

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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OMAR ANDERSON,

Plaintiff,

17 **CIVIL** 9638 (KMK)(JCM)

-against-

JUDGMENT

DANIEL MARTUSCELLO, Jr., Superintendent,
Coxsackie Correctional Facility,
Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 27, 2021, the Court, having conducted a thorough review of the remainder of the R&R, finds no error, clear or otherwise. The outcome of Judge McCarthy's R&R is adopted. Petitioner's writ of habeas corpus is accordingly dismissed with prejudice. As Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability shall not be issued, see 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Patrol*, 209 F.3d 107, 11112 (2d Cir. 2000), and the Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this judgment on the merits would not be taken in good faith, see *Coppedge v. United States*, 369 U.S. 438, 445 (1962) ("We consider a [petitioner's] good faith... demonstrated when he seeks appellate review of any issue not frivolous."); *Burda Media Inc. v. Blumenberg*, 731 F. Supp. 2d 321, 32223 (S.D.N.Y. 2010) (citing *Coppedge* and noting that an appeal may not be taken in forma pauperis if the trial court certifies in writing that it was not taken in good faith); accordingly, the case is closed.

Dated: New York, New York
September 28, 2021

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk